

1 WO

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Kathryn Sinkevitch,

10 Petitioner,

11 v.

12 Ryan Thornell, et al.,

13 Respondents.
14

No. CV-24-00167-PHX-SHD

ORDER

15 Pending before the Court is Petitioner's Amended Petition for Writ of Habeas
16 Corpus (Doc. 7). The Magistrate Judge to whom this case was assigned issued a Report
17 and Recommendation ("R&R") recommending that the Amended Petition be denied and
18 dismissed with prejudice because Petitioner's claims are procedurally defaulted without
19 excuse. (Doc. 13.) Neither party has objected to the R&R and the time for filing objections
20 has run.

21 This Court "may accept, reject, or modify, in whole or in part, the findings or
22 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). It is "clear that
23 the district judge must review the magistrate judge's findings and recommendations *de*
24 *novo if objection is made*, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d
25 1114, 1121 (9th Cir. 2003) (*en banc*) (emphasis in original); *Schmidt v. Johnstone*, 263
26 F.Supp.2d 1219, 1226 (D. Ariz. 2003) ("Following *Reyna-Tapia*, this Court concludes that
27 *de novo* review of factual and legal issues is required if objections are made, 'but not
28 otherwise.'"); *Klamath Siskiyou Wildlands Ctr. v. U.S. Bureau of Land Mgmt.*, 589 F.3d

1 1027, 1032 (9th Cir. 2009) (the district court “must review de novo the portions of the
2 [Magistrate Judge’s] recommendations to which the parties object.”). District courts are
3 not required to conduct “any review at all . . . of any issue that is not the subject of an
4 objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (emphasis added); *see also* 28 U.S.C.
5 § 636(b)(1) (“[T]he court shall make a *de novo* determination of those portions of the
6 [report and recommendation] to which objection is made.”).

7 There being no objections,

8 **IT IS ORDERED** that the R&R (Doc. 13) is accepted.

9 **IT IS FURTHER ORDERED** that the Amended Petition in this case is denied and
10 dismissed with prejudice, and the Clerk of the Court shall enter judgment accordingly.

11 **IT IS FINALLY ORDERED** that pursuant to Rule 11 of the Rules Governing
12 Section 2254 Cases and Rule 24 of the Federal Rules of Appellate Procedure, in the event
13 Petitioner files an appeal, the Court denies issuance of a certificate of appealability because
14 dismissal of the petition is based on a plain procedural bar and jurists of reason would not
15 find this Court’s procedural ruling debatable. *See Slack v. McDaniel*, 529 U.S. 473, 484
16 (2000).

17 Dated this 25th day of June, 2025.

18
19
20
21
22
23
24
25
26
27
28


Honorable Sharad H. Desai
United States District Judge